

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

V.

JOSHUA MAST, *et al.*,

Defendants.

Case No. 3:22-cv-49-NKM-JCH

DECLARATION OF JOSHUA K. MAST

Pursuant to 28 U.S.C. § 1746, I, Joshua K. Mast, declare as follows:

1. My name is Major Joshua K. Mast, USMC. I am a defendant in the above-captioned litigation. I am an adult citizen of the United States and resident in North Carolina pursuant to military orders. I am a licensed attorney admitted in Virginia. I am competent to testify as to the matters herein, all of which are based upon my personal knowledge, information, and belief.

2. I attended Liberty University for my undergraduate degree and later for law school, and was assigned the email address jkmast@liberty.edu in approximately 2005. I have maintained this Liberty University email account ever since, as Liberty University continues to provide access to student alumni email addresses for life. I have routinely used the email account, primarily via webmail access from a cellular phone or an internet browser, from 2005 to the present, using it for personal and professional matters.

3. From at least 2010 to present, I was generally aware that Liberty University maintained an acceptable use policy and understood it to mean that it would preserve the privacy and confidentiality of my communications sent or received through my alumni email account.

Neither Liberty University's acceptable use policy or its practice in administering email accounts gave me any reason to think otherwise, and I have utilized the account for attorney client privileged communications unrelated to the present case and I have personal knowledge that this was a widespread practice at Liberty University School of Law amongst faculty, students, and alumni.

4. During the past 18 years that I have used my Liberty University email account, I have never seen a "splash screen" warning upon login of limitations on the email account that may be commonly observed when employees log onto a work computer.

5. Instead, logging into <https://www.liberty.edu/> simply leads you to a dashboard where you can click on your webmail without further login. As such, neither I, or any other users, received any automatic or regular reminders regarding Liberty University's acceptable use policy. *See Exhibit 1, attached (screenshot of the log in page).*

6. I have reviewed the declaration of the Chief Information Officer at Liberty University, John M. Gauger. His statements concerning Liberty University's practice of not monitoring or accessing email accounts (including those of its alumni) is consistent with the understanding that I have had ever since I was assigned the "jkmast@liberty.edu" account.

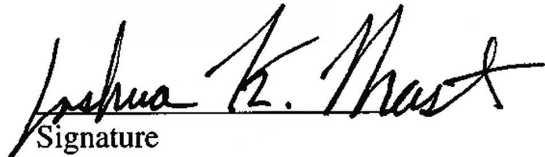
7. I have also reviewed the declaration of Liberty University's Senior Counsel, J. Court Shipman. His statements are consistent with my experience interacting with Liberty University during discovery in this litigation and the state court litigation. At all times, Liberty University has acted to protect the confidentiality of my Liberty University email account, including by ensuring that myself, my wife (Stephanie Mast), and my brother, Richard Mast all had the opportunity to contest subpoenas issued to Liberty University.

8. On both occasions that Plaintiffs subpoenaed Liberty University (in the state and federal cases), the University contacted myself and my counsel before making any productions so

that we could assert privilege claims as appropriate. In the state court litigation, Liberty University recognized my assertions of privilege, as did the Plaintiffs who ultimately agreed not to seek communications protected by my assertion of attorney-client, marital, and work product privileges. *See* Exhibit 2 (Letter from Hannon E. Wright). In this litigation, Liberty University once again notified myself and my wife of the subpoena and has accommodated our efforts to assert the same legal privileges. Liberty University's sensitivity to my assertions of privilege further reinforced my understanding that my communications remained confidential and private.

I declare (or certify, verify, or state) under the penalty of perjury that the foregoing is true and correct.

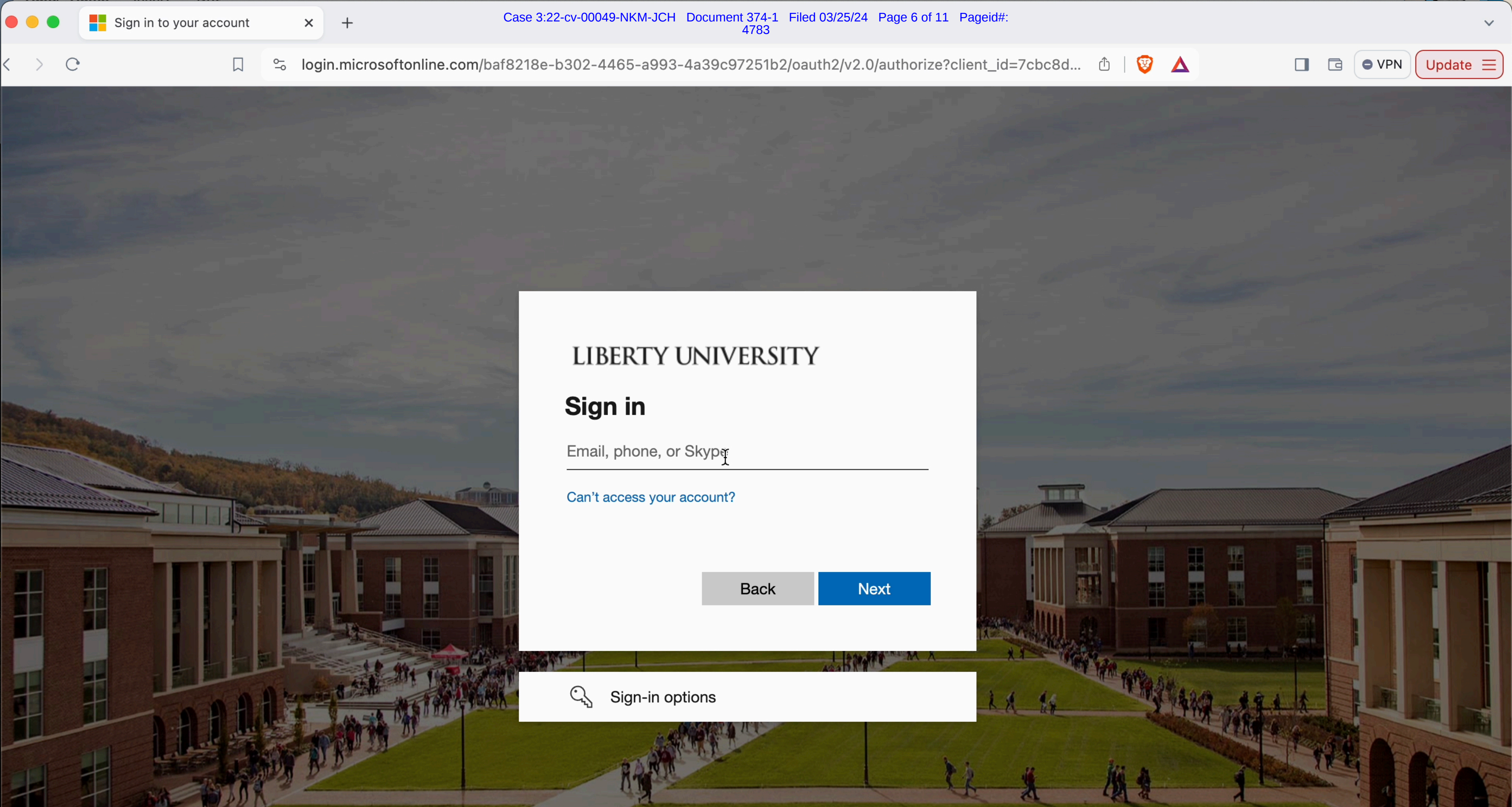
Executed this 25th day of March 2024.



Signature

Joshua K. Mast
Printed Name

Exhibit 1



LIBERTY UNIVERSITY

Sign in

Email, phone, or Skype

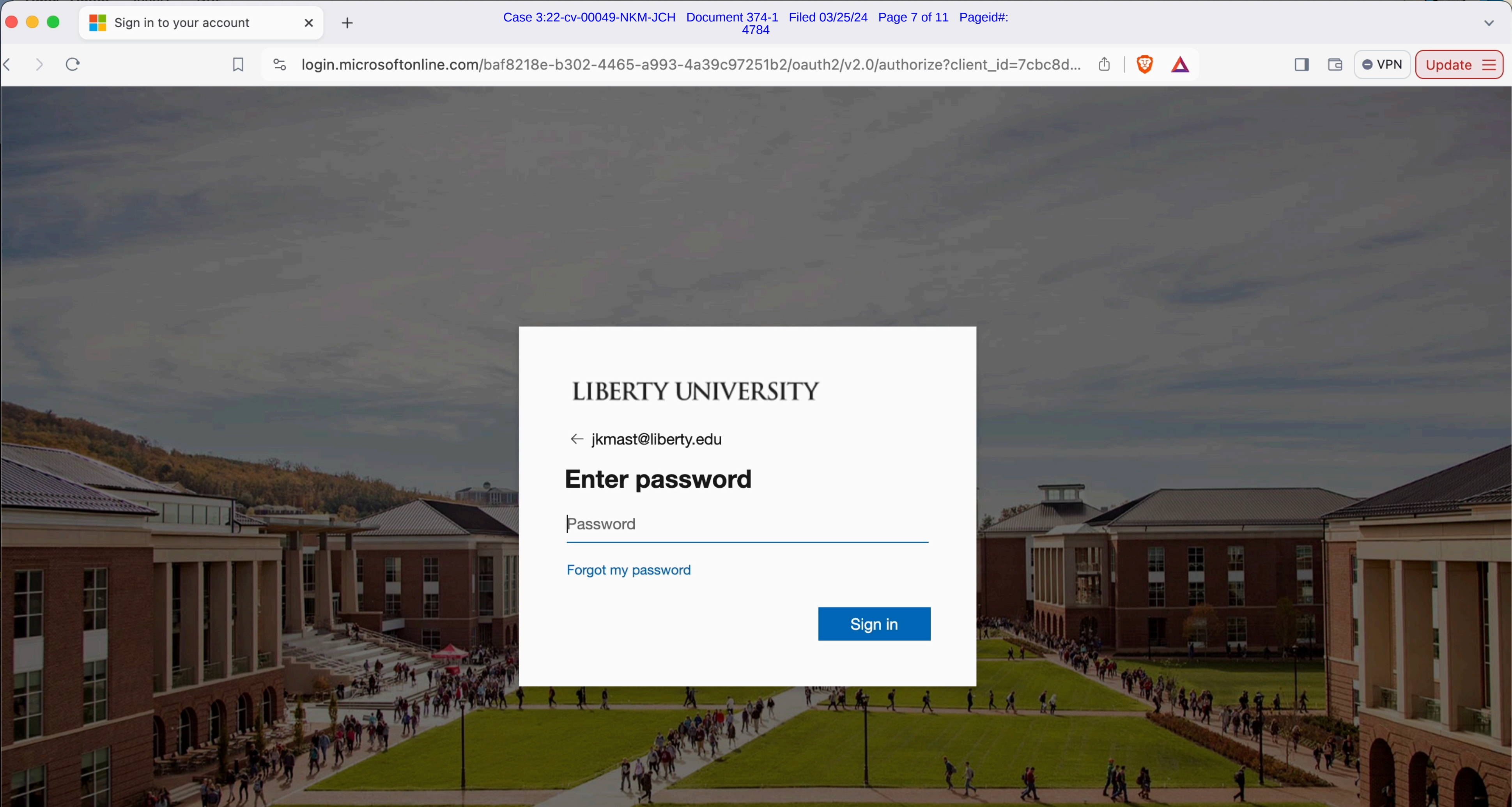
[Can't access your account?](#)

Back

Next



Sign-in options



LIBERTY UNIVERSITY

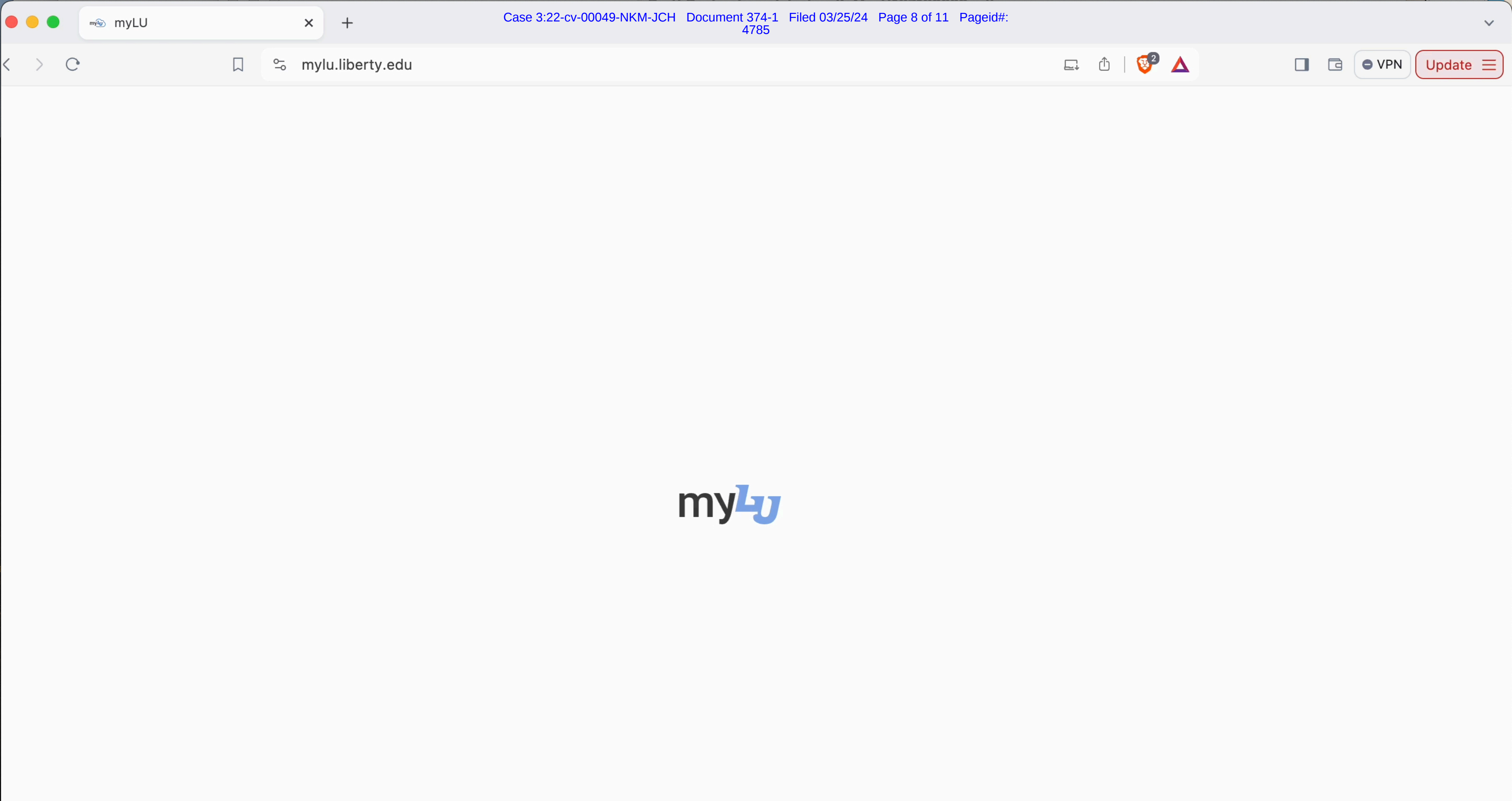
← jkmast@liberty.edu

Enter password

Password

[Forgot my password](#)

Sign in



myLU

Exhibit 2

RAKNESS & WRIGHT PLC
ATTORNEYS AT LAW

July 28, 2022

Liberty University
Office of Legal Affairs
Attn: Brooke Graham
1971 University Blvd
Green Hall, Suite 2730
Lynchburg, VA 24515

Re: Agreement Regarding Motion to Quash Subpoena *Duces Tecum* to Liberty University ICO
Amins v. Masts, Fluvanna County Circuit Court case number CL22000186-00

Dear Ms. Graham,

I am writing to inform you of the resolution with opposing counsel of the subpoena *duces tecum* for Liberty University in the Fluvanna County Circuit Court case number CL22000186-00. The intent of this compromise is to produce valid document requests in the subpoena and to prevent the production of privileged communications and completely unrelated items that could otherwise be responsive to the requests. We have agreed to the following parameters to the subpoena *duces tecum* requests:


Marital and Attorney-Client Privilege: Produce everything responsive to requests except not to produce communications solely between Joshua Mast and Stephanie Mast; except not to produce communications between attorney Richard Mast and Joshua and/or Stephanie Mast after October 12, 2019, and communications between the Masts and attorneys in which they were seeking legal representation during this same time frame; communications between me and Joshua and/or Stephanie Mast and/or Richard Mast after approximately December 10, 2021.

Things that are completely unrelated to this litigation: As stated there are alumni email accounts for the Masts with Liberty University. Document requests # 3 and 5 ask for all documents and communications from September 1, 2019, relating to Joshua and/or Stephanie Mast. As written, this would include every email that each one of them sent and received from those accounts to any person on any topic. Documents produced from those accounts shall be limited to documents and communications involving Lily or the Amins and not otherwise privileged as stated above.

Request numbers 1, 2, 4, 6, 7, 8, 9, and 10 are unobjectionable as written given the privilege protections discussed above.

Please let us know if you have any questions or concerns.

Respectfully,


Hannon E. Wright

CC: Elizabeth S. Vaughan

Phone: 434-284-7746

1540 Insurance Lane, Charlottesville, VA 22911

Fax: 540-301-0021

ryan@rakness-wright.com hannon@rakness-wright.com